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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**NOTICE OF HEARING RE  
MOTION TO AMEND COURT'S  
ORDERS SUSTAINING OMNIBUS  
OBJECTIONS RE: THE HESPERIA  
II LOAN; AND CERTIFICATE OF  
SERVICE**

Date of Hearing: November 15, 2011

Time of Hearing: 9:30 a.m.

Estimated Time for Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST FILED A MOTION TO AMEND  
COURT'S ORDERS SUSTAINING OMNIBUS OBJECTIONS REGARDING THE  
HESPERIA II LOAN. YOU FILED A CLAIM THAT APPEARS TO BE BASED  
UPON AN INVESTMENT IN THE HESPERIA II LOAN. THIS MOTION SEEKS  
TO DETERMINE THE AMOUNT OF THAT CLAIM, 20 PERCENT OF WHICH  
HAS BEEN ALLOWED BY THE COURT. THIS MOTION WILL NOT IMPACT  
YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A  
DIFFERENT LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**



1 **REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN**  
2 **HINDERAKER (520-629-4430).**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
4 through its counsel, has filed its Motion to Amend Court's Orders Sustaining Omnibus  
5 Objections Re: The Hesperia II Loan (with Certificate of Service) (the "Motion").

6 The USACM Liquidating Trust has already moved to allow 20% of the Hesperia II  
7 claims and the Court has granted that motion. When the USACM Trust began to process  
8 the allowed claims for payment, it realized that it had a problem because your claim was  
9 allowed by the Court in an "unknown" amount. In order for the USACM Liquidating  
10 Trust to make a distribution to you, the allowed claim must be for a specific dollar amount.  
11 Thus, this Motion asks the Court to set the dollar amount of your claim at an amount equal  
12 to your principal investment in the Hesperia II Loan, or if we were unable to determine  
13 the amount, the amount was set at zero and you may provide documentation as to the  
14 amount of your principal investment.

15 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held  
16 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
17 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
18 **November 15, 2011, at the hour of 9:30 a.m.**

19 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
20 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
21 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
22 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

23 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
24 response to the Motion must be filed and service must be completed no later than **fourteen**  
25 **(14) days** preceding the hearing date. The opposition must set forth all relevant facts and  
26 any relevant legal authority.



If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and grant the Motion without formally calling the matter at the hearing.

DATED this 14th day of October, 2011.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)  
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*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing  
 mailed by first class postage prepaid  
 U.S. Mail on  
 October 14, 2011 to:

The parties listed on Exhibit A attached  
 to the Motion

LEWIS AND ROCA LLP

/s/Renee L. Creswell  
 Renee L. Creswell